



CT Corporation

**Service of Process
Transmittal**

05/03/2021

CT Log Number 539487111

TO: Stacy Walker
Fiesta Mart, Inc.
5444 Westheimer Rd, Suite 101
Houston, TX 77056

RE: Process Served in Texas

FOR: Fiesta Mart, L.L.C. (Domestic State: TX)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: GAYLA PERRY, PLTF. vs. FIESTA MART, L.L.C., DFT.
DOCUMENT(S) SERVED: -
COURT/AGENCY: None Specified
Case # DC2105092
NATURE OF ACTION: Personal Injury - Slip/Trip and Fall
ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX
DATE AND HOUR OF SERVICE: By Process Server on 05/03/2021 at 03:05
JURISDICTION SERVED : Texas
APPEARANCE OR ANSWER DUE: None Specified
ATTORNEY(S) / SENDER(S): None Specified
ACTION ITEMS: SOP Papers with Transmittal, via UPS Next Day Air , 1ZX212780127296590
Image SOP
Email Notification, Stacy Walker walkers@fiestamart.com

REGISTERED AGENT ADDRESS: C T Corporation System
1999 Bryan Street
Suite 900
Dallas, TX 75201
866-203-1500
DealTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

PROCESS SERVER DELIVERY DETAILS

Date: Mon, May 3, 2021

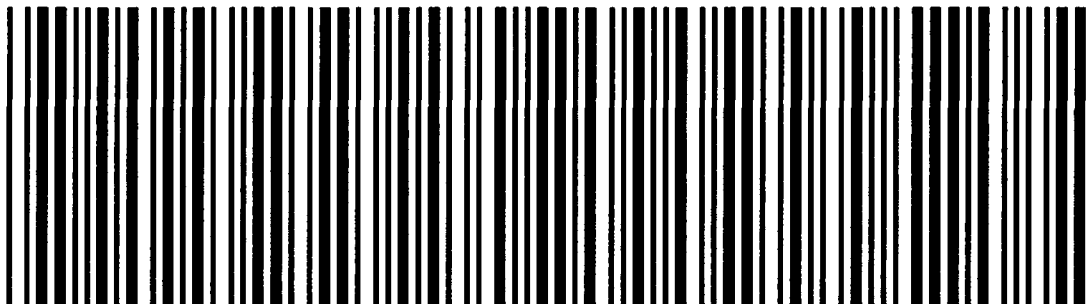
Server Name: Steve Friedenthal

Entity Served FIESTA MART, L.L.C.

Agent Name 0802179022

Case Number DC-21-05092

Jurisdiction TX



FORM NO. 353-3 - CITATION

THE STATE OF TEXAS

**To: FIESTA MART, LLC
SERVING REGISTERED AGENT CT CORPORATION SYSTEM
1999 BRYAN STREET SUITE 900
DALLAS TX 75201**

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. Your answer should be addressed to the clerk of the **298th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **GAYLA PERRY**

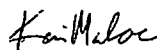
Filed in said Court against

FIESTA MART, LLC

For Suit, said suit being numbered **DC-21-05092**, the nature of which demand is as follows:
Suit on **PROPERTY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: FELICIA PITRE, Clerk of the District Courts of Dallas, County Texas.
Given under my hand and the Seal of said Court at office this 3rd day of May, 2021.

ATTEST: FELICIA PITRE, Clerk of the District Courts of Dallas, County, Texas

By , Deputy
KARI MALONE



ESERVE

CITATION

DC-21-05092

**GAYLA PERRY
vs.
FIESTA MART, LLC**

**ISSUED THIS
3rd day of May, 2021**

**FELICIA PITRE
Clerk District Courts,
Dallas County, Texas**

By: KARI MALONE, Deputy

**Attorney for Plaintiff
WALKER M DUKE
ATTN DUKE LAW PC
325 N ST PAUL ST STE 2220
DALLAS TX 75201
214-965-8100
wduke@dukeseth.com**

**DALLAS COUNTY
SERVICE FEES
NOT PAID**

OFFICER'S RETURN

Case No. : DC-21-05092

Court No. 298th District Court

Style: GAYLA PERRY

vs.

FIESTA MART, LLC

Came to hand on the _____ day of _____, 20_____, at _____ o'clock _____ .M. Executed at _____,
within the County of _____ at _____ o'clock _____ .M. on the _____ day of _____,
20_____, by delivering to the within named _____

each in person, a true copy of this Citation together with the accompanying copy of this pleading, having first endorsed on same date of delivery. The distance actually traveled by
me in serving such process was _____ miles and my fees are as follows: To certify which witness my hand.

For serving Citation	\$ _____	_____
For mileage	\$ _____	of _____ County, _____
For Notary	\$ _____	By _____ Deputy

(Must be verified if served outside the State of Texas.)

Signed and sworn to by the said _____ before me this _____ day of _____, 20_____,
to certify which witness my hand and seal of office.

Notary Public _____ County _____

1 CIT/ ES

CAUSE NO. DC-21-05092

GAYLA PERRY,	§	IN THE DISTRICT COURT
Plaintiff,	§	
V.	§	298th
	§	_____ JUDICIAL DISTRICT
	§	
FIESTA MART, L.L.C.	§	
Defendant.	§	DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Gayla Perry and submits this, her Original Petition, and in support thereof would respectfully show the Court as follows:

I. DISCOVERY CONTROL PLAN

Plaintiff intends to conduct discovery under Level 3

II. PARTIES, JURISDICTION AND VENUE

Plaintiff Gayla Perry, is a an individual who resides in Dallas County, Texas.

Defendant Fiesta Mart, L.L.C., is a Texas limited liability company lawfully doing business in Texas. Defendant may be served through its registered agent for service, CIT Corporation System at 1999 Bryan Street, Dallas, Texas, 75201.

The Court has jurisdiction over Plaintiff because she is a resident of Texas and Defendant because it is a Texas entity and conducts business in Texas. Venue of this case is proper in Dallas County, Texas because it is the county where the underlying events that led to this lawsuit occurred. The amount of damages sought are within this Court's jurisdictional limits. Plaintiff seeks monetary damages greater than \$250,000.

III. BACKGROUND FACTS

This lawsuit arises from a slip and fall accident that occurred on or about August 15, 2019,

at the Fiestas Mart store located at 1235 S. Josey Lane in Carrollton, Dallas County, Texas. Plaintiff was visiting the store, which was controlled, operated, and/or maintained by Defendant, for the purposes of purchasing groceries. As Plaintiff approached the register to purchase her items, she stepped in a puddle of water in front of the register and slipped and fell, causing serious bodily injuries. The premises in question was under the control of Defendant, and Defendant knew or reasonably should have known of the dangerous condition of the premises but did not eliminate the condition or warn Plaintiff of it.

IV. CAUSE OF ACTION - PREMISES LIABILITY

An unreasonably dangerous condition existed on the premises owned, leased, operated, and/or controlled by Defendant at the time of the accident made the basis of this lawsuit; to wit, a wet, slippery floor with no warning signs. The wet area of the floor was in an area where customers, including Plaintiff, could be expected to walk. Defendant either knew or reasonably should have known of the condition. Defendant owed Plaintiff, an invitee, a duty to eliminate the unreasonably dangerous condition or warn Plaintiff of it. Unfortunately, Defendant did neither. As a direct and proximate result of Defendant's acts and/or omissions, Plaintiff sustained severe bodily injuries.

V. DAMAGES

As a result of Defendant's negligence, Plaintiff was seriously injured. Plaintiff's injuries and damages include but are not limited to the following:

1. Medical expenses. The medical expenses sustained by Plaintiff both in the past and to be incurred in the future.
2. Physical impairment. Plaintiff has suffered in the past and will suffer in the future physical impairment.
3. Mental anguish. Mental anguish suffered by Plaintiff both in the past and to be incurred in the future.

4. Pain and suffering. The pain and suffering suffered by Plaintiff both in the past and to be incurred in the future

Plaintiff has thus been damaged in an amount in excess of the minimum jurisdictional limits of this Court.

VI. INTEREST

Plaintiff seeks pre- and post-judgment interest at the highest legal rate allowed by law.

VII. JURY DEMAND

Plaintiff respectfully requests a jury trial.

VIII. RULE 194.2 REQUIRED INITIAL DISCLOSURES

Defendant is requested to disclose the information and/or material required by Rule 194.2(b) and serve such answers within thirty (30) days after the filing of an answer or general appearance.

IX. PRAYER

WHEREFORE, Plaintiff requests that Defendant be cited to appear and answer and that on final hearing, Plaintiff have final judgment against Defendant for an amount within the jurisdictional limits of the Court, together with pre- and post-judgment interest at the maximum lawful rate, costs of court, and for such other and further relief, at law or in equity, to which Plaintiff is justly entitled.

Respectfully submitted,

DUKE SETH, P.L.L.C.

/s/ Walker M. Duke

WALKER M. DUKE
Texas Bar No. 24036505
wduke@dukeseth.com
325 N. St. Paul Street
Suite 2220
Dallas, Texas 75201
(214) 965-8100 Telephone
(214) 965-8101 Facsimile

ATTORNEY FOR PLAINTIFF